

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 USC 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application No.	09/667,328
Filing Date	September 21, 2000
First Named Inventor	PACE et al.
Group Art Unit	1616
Examiner Name	S. S. Gollamudi
Attorney Docket No	401909/SKYE PHARMA

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

**NOTE:** 37 CFR 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Form PTO-1449 (8 pages)
- v. ☒ Copies of documents listed in Form PTO-1449 (227 documents)
- vi. ☒ Other: Assignment w/recordation transmittal; Request for Recordation of Name Change; Petition to Correct Inventorship; Consent of Existing Assignee to Correct Inventorship; Statement under 37 CFR 1.48(a) by Robert A. Snow; Declaration from Inventors.

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The following fees are enclosed:
- |   |                   |
|---|-------------------|
| i. <input checked="" type="checkbox"/> RCE fee of \$750.00 (large entity) required under 37 CFR 1.17(e)   | \$750.00          |
| ii. <input checked="" type="checkbox"/> Three-month extension of time fee of \$930.00 (37 CFR 1.136 and 1.17)   | \$930.00          |
| iii. <input type="checkbox"/> Suspension of action fee of \$130.00 (37 CFR 1.17(i))   |                   |
| iv. <input checked="" type="checkbox"/> Other: Additional claim fee: 16 claims, 1 independent (\$372); Petition fee (\$130); Assignment recordation (\$40); Name Change Recordation (\$40). | \$582.00          |
| <b>TOTAL FEES ENCLOSED</b>  | <b>\$2,262.00</b> |

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ The Commissioner is hereby authorized to charge the above fees to Deposit Account No. 12-1216
- d. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

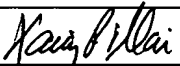
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01 FC:1801 750.00 CH  
02 FC:1253 930.00 CH

## Request for Continued Examination Transmittal

Application No. 09/667,328  
Attorney Docket No. 401909/SKYE

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	Xavier Pillai	Registration No. (Attorney/Agent)	39,799
Signature		Date	April 11, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this RCE Transmittal is, on the date indicated below, ☐ being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or ☐ being facsimile transmitted to the U.S. Patent and Trademark Office.

Name (Print/Type)			
Signature		Date	



RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1600

#14C  
3/3/03  
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PATENT  
Attorney Docket No. 401909/SKYEPHARM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

PACE et al.

Art Unit: 1616

Application No. 09/667,328

Examiner: S. S. Gollamudi

Filed: September 21, 2000

For: SURFACE MODIFIED PARTICULATE  
COMPOSITIONS OF BIOLOGICALLY  
ACTIVE SUBSTANCES

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Dear Sir:

In response to the Official Action mailed October 16, 2002, please enter the following amendment and consider the following remarks. Pages showing the requested changes are attached. This response is accompanied by a RCE.

**AMENDMENTS**

IN THE SPECIFICATION:

Please amend the paragraph beginning at page 16, line 29:

C' In one aspect, preferred biologically active substances members of the group consisting of an antihypertensive drug; nifedipine; and anticholinergic drug; ursodiol; a drug for treating a gastro-intestinal disorder; budesonide; an antineoplastic drug; paclitaxel; camptothecin; a derivative of paclitaxel; a derivative of camptothecin; an NSAID; piroxicam; an anti-fungal agent; itraconazole; an anti-viral agent; acyclovir; a derivative of acyclovir, a cholesterol

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04 FC:1201 84.00 CH  
05 FC:1202 288.00 CH